

3682. Adulteration and misbranding of catsup. U. S. v. 6 Barrels of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 5833. I. S. No. 9755-h. S. No W-16.)

On August 1, 1914, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 barrels of catsup, remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the product had been shipped on or about July 30, 1914, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The barrels were labeled: "Relish Catsup $\frac{1}{2}$ of 1% Benzoate of Soda Or. St. S. P. and P. S. P. Co. Seattle, Washn." On some of the barrels appeared the statement: "Catsup $\frac{1}{2}$ of 1% Benzoate of Soda."

It was alleged in the libel that said label and branded direction or design was of a sufficient size to be easily read except as to the word "catsup," which was partially obscured by the word "relish," and the general appearance of said label, printed or stenciled matter or design, gave the impression and was designed to give the impression that the food product was pure and of pure vegetable character and substance, except for the presence of said mentioned quantity of benzoate of soda; that each of said mentioned representations and statements contained in said mentioned design, label or branding description, printed, attached or written upon said 6 barrels of catsup, as aforesaid, was false, misleading, and untrue, and said food product was not pure. It was further alleged in the libel that specimens of the food product had been duly examined under the direction and supervision of the Bureau of Chemistry of the Department of Agriculture of the United States and that it duly appeared from said examination that such specimens were misbranded as aforesaid, and, further, that such specimens were adulterated in that said product consisted, in whole or in part, of filthy, decomposed, and putrid vegetable substances, and, further, contained harmful, poisonous, and deleterious bacteria and spores, and that said 6 barrels of catsup were moldy and unfit for consumption or use and injurious to health,¹ to wit: Analysis of the same at the San Francisco laboratory showed mold filaments present in 61 per cent of fields examined; yeasts and spores, 130 per one-sixtieth cubic millimeter; bacteria, 159,350,000 per cubic centimeter; that the presence of said injurious, deleterious, harmful and poisonous ingredients or substances,¹ above described and mentioned, contained in said product, was not declared or mentioned on said label or brand, all in violation of the provisions of the act aforesaid.

On October 26, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *March 26, 1915.*

¹ When this case was reported for action no claim was made by this department that the product contained "harmful, poisonous, and deleterious bacteria and spores," and "was injurious to health."